

EXHIBIT A

1 J. Scott Halverson, SBN 10629
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04-15-08A08:22 RCV

5 **RAY P. SCHUMACHER, SBN 13670**
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7 Tempe, Arizona 85283
8 Telephone (480) 456-9120

9 Attorneys for Plaintiff

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

11 **IN AND FOR THE COUNTY OF MARICOPA**

12 MICHAEL JOSEPH SOTO CORDOVA, a
single adult;

13 Plaintiff,

14 vs.

15 RICKY MELROSE and JANE DOE
16 MELROSE, husband and wife; CITY OF
17 GOODYEAR, a municipality and political
18 subdivision within the State of Arizona; JOHN
and JANE DOES I-X;

19 Defendants.

20 No.

CV2008-007096

21 **SUMMONS**

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at

602-257-4434
or
www.lawyerfinders.org.

Sponsored by the
Maricopa County Bar Association

22 **THE STATE OF ARIZONA TO THE DEFENDANTS:**

23 OFFICER RICKY MELROSE and JANE DOE MELROSE, husband and wife;
16004 W. Grant Street
Goodyear AZ 85338

24 CITY OF GOODYEAR
25 c/o Goodyear City Clerk
190 N. Litchfield Road
26 Goodyear AZ 85338

27 JOHN and JANE DOES I-X.

28

1 **YOU ARE HEREBY SUMMONED** and required to appear and defend, within the time
2 applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20
3 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served
4 out of the State of Arizona -- whether by direct service, by registered or certified mail, or by publication -
- you shall appear and defend within 30 days after the service of the Summons and Complaint upon you
5 is complete, exclusive of the day of service. Where process is served upon the Arizona Director of
6 Insurance as an insurer's attorney to receive service of legal process against it in this State, the insurer
7 shall not be required to appear, answer or plead until expiration of 40 days after date of such service
8 upon the Director. Service by registered or certified mail without the State of Arizona is complete 30
days after the date of filing the receipt and affidavit of service with the Court. Service by publication is
complete 30 days after the date of first publication. Direct service is complete when made. Service upon
the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance
and return receipt or Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

9 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend within the
10 time applicable, judgment by default may be rendered against you for the relief demanded in the
Complaint.

11 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an Answer or proper
12 response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time
13 required, and you are required to serve a copy of any Answer or response upon the Plaintiff's attorney.
RCP 10(d); ARS § 12-311; RCP 5.

14 The name and address and telephone number of Plaintiff's attorney is:

15 J. Scott Halverson, Esq.
16 LAW OFFICES OF J. SCOTT HALVERSON, P.C.
17 1761 E. McNair Drive, Suite 103
18 Tempe, AZ 85283
19 (480) 777-7776

20 ~~REQUESTS FOR REASONABLE ACCOMMODATIONS for persons with disabilities must
be made to the Court by parties at least three working days in advance of a scheduled court proceeding.~~

COPY

21 SIGNED AND SEALED this date:

APR - 3 2008

22 Clerk of the Court



MICHAEL A. JONES, Clerk
F. DIAZ-SMACK,
Deputy Clerk

23 By _____

Deputy Clerk

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Co-Counsel for the Plaintiff

COPY

APR - 3 2008



MICHAEL JOSEPH SOTO CORDOVA,
F. OIAZ-SMACK,
DEPUTY CLERK

7 SUPERIOR COURT OF ARIZONA

8 MARICOPA COUNTY

9
10 MICHAEL JOSEPH SOTO CORDOVA, a }
single adult;

CV CV2008-007096

11 Plaintiff,

COMPLAINT

12 vs.

(TORT NON-MOTOR VEHICLE)

13 RICKY MELROSE and JANE DOE
14 MELROSE, husband and wife; CITY OF
GOODYEAR, a municipality and political
15 subdivision within the State of Arizona;
JOHN and JANE DOES I-X;

16 Defendants.

17
18 For his Complaint against the Defendants, Plaintiff alleges as follows:

20 JURISDICTIONAL ALLEGATIONS

21 1. At all times relevant to this Complaint, Plaintiff ("Cordova") resided in Maricopa County,
Arizona.

22 2. At all times relevant to this Complaint, Defendant Ricky Melrose ("Officer Melrose") was
an officer with the City of Goodyear Police Department, acting within the scope of his
employment.

23 3. The spouse of Defendant Melrose, if any, is named only to comply with the requirements
of the community property laws of this State. All conduct of Defendant Melrose was
performed on behalf of his martial community.

4. At all times relevant to this Complaint, Defendant City of Goodyear (“Goodyear”) was a municipality and political subdivision within the State of Arizona.
5. The events giving rise to this Complaint occurred in Maricopa County, Arizona.
6. This Court has jurisdiction over this matter because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

GENERAL ALLEGATIONS

8 7. On or about May 29, 2007, Officer Melrose intentionally directed and caused a police dog
9 to attack Plaintiff Cordova, after Officer Melrose and another Goodyear police officer,
10 Officer McCurl, had subdued Plaintiff Cordova.
11 8. Officer Melrose and Officer McCurl had complete control over Plaintiff Cordova, who
12 was lying on his stomach, prior to the police dog's attack.
13 9. Officer Melrose's conduct, described above, physically harmed Plaintiff Cordova.
14 10. Officer Melrose and Officer McCurl were "acting in concert" with one another during
15 their involvement in the above-described incident, as defined in A.R.S. § 12-2506(F)(1).
16 11. Officer Melrose was acting within the scope of his employment as a police officer and in
17 furtherance of his marital community, if any, during the above-described incident.
18 12. Officer Melrose was acting under color of state law during his involvement in the above-
19 described incident.

COUNT ONE:

ASSAULT, BATTERY AND EXCESSIVE FORCE

23 13. Plaintiff hereby incorporates all previous allegations in this Complaint.

24 14. Officer Melrose acted in a manner which caused Plaintiff Cordova apprehension that he

25 would be harmfully or offensively accosted by the police dog.

26 15. Officer Melrose intended that the police dog harmfully or offensively accost Plaintiff

27 Cordova.

28 16. Officer Melrose directed the police dog to accost Plaintiff Cordova in a harmful or

offensive manner.

2 17. Officer Melrose's intentional use of the police dog to attack Mr. Cordoba was excessive,
3 unnecessary and unreasonable force, in violation of A.R.S. § 13-3881(B), and constitutes
4 negligence *per se*.

5 18. Defendant Goodyear is liable for the actions of its agent, Officer Melrose, pursuant to the
6 principles of *Respondeat Superior*.

7 19. This harmful or offensive touching by the police dog, at the direction of Officer Melrose,
8 directly and proximately caused Plaintiff Cordova general and special damages; including:
9 physical injuries, present and future medical expenses, pain, suffering, as well as mental
10 and emotional anguish; all in an amount to be proven at trial.

COUNT TWO:

CIVIL RIGHTS VIOLATIONS

14 | P. 20 Plaintiff hereby incorporates all previous allegations in this Complaint.

15 21. Officer Melrose, acting under color of state law, knowingly, willfully and intentionally
16 deprived Plaintiff Cordova of his rights, privileges and immunities secured by the laws
17 and constitutions of the United States and the State of Arizona, including the Fourth and
18 Fourteenth Amendments, by:

- a. Needlessly and unreasonably subjecting Plaintiff Cordova to excessive force exerted by a police dog at Officer Melrose's direction;
- b. Intentionally directing a police dog to accost Plaintiff Cordova in a harmful or offensive manner and thereby assaulting him;
- c. Denying Plaintiff Cordova his substantive due process of law; and
- d. Denying Plaintiff Cordova his right to freedom from summary punishment.

26 22. Defendant Goodyear, acting under color of state law, knowingly, willfully and
27 intentionally deprived Plaintiff Cordova of his rights, privileges and immunities secured
28 by the laws and constitutions of the United States and the State of Arizona, including the

Fourth and Fourteenth Amendments, by:

CONCLUSION

WHEREFORE, Plaintiffs respectfully request judgment against Defendants as follows:

26 A. For general damages and losses already incurred, and to be incurred in the future, in an
27 amount to be proven at trial;
28 B. For past, present and future medical and related expenses incurred by Plaintiff Cordova in

1 an amount to be proven at trial;

2 C. For punitive damages;

3 D. For attorney's fees, pursuant to 42 U.S.C. § 1988 and any corresponding Arizona law;

4 E. For Plaintiffs' costs, pursuant to 42 U.S.C. § 1988 and any corresponding Arizona law;

5 F. For such additional relief as the Court may deem just and proper in the premises.

DATED this 25 day of March, 2008.

LAW OFFICES OF J. SCOTT HALVERSON, P.C.

By J. Scott Halverson
J. SCOTT HALVERSON

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21 Case No. CV2008-007096

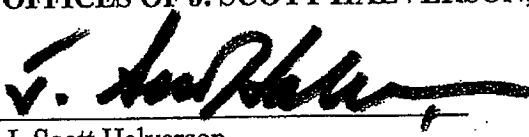
22 CERTIFICATE OF COMPULSORY
23 ARBITRATION

24 The undersigned certifies that he or she knows the dollar limits and any other limitations
25 set forth by the local rules of practice for the Maricopa County Superior Court, and further
certifies that this case is NOT subject to compulsory arbitration, as provided by Rules 72 through
26 76 of the Arizona Rules of Civil Procedure.

1 DATED this 27 day of March, 2008.

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LAW OFFICES OF J. SCOTT HALVERSON, P.C.

By: 

J. Scott Halverson
Co-Counsel for Plaintiff